

### **REMARKS**

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 36 and 59 have been amended. Claim 59 has been amended to include the limitations of independent claim 56, from which it depends, which has been withdrawn from consideration. Support for the amendments may be found throughout the specification and the claims as originally filed. No new matter has been added. Claims 56-58 and 61-73 have been withdrawn from consideration. Upon entry of the amendment, claims 1-73 will be pending in the present application with claims 1, 2, 36, 40, 47, 56, 59, 61, 63 68 and 71 being independent.

#### **I. Rejections Under 35 U.S.C. §102(e)**

The Office Action rejects claims 1-15, 17-55, 59 and 60 under 35 U.S.C. §102(e) as being anticipated by Treyz et al. (6,526,335). Applicants respectfully traverse this rejection for at least the following reasons.

Treyz et al. discloses an automobile personal computer system which may allow users to wirelessly interact with merchants, communications facilities, information providers, computers at the home or office, and other entities. Wireless communications may involve satellite transmissions, cellular transmissions, short-range wireless transmissions, etc. An automobile's location and functions may be monitored and controlled (see abstract, FIGS. 1-4). However, Treyz et al. fails to disclose a wireless appliance comprising a microprocessor configured to select a vehicle-communication protocol of a host vehicle. Additionally, Treyz et al. fails to disclose a single chipset that comprises a GPS module and a first and second wireless transmitter. Further, Treyz et al. fails to disclose a first and second wireless transmitter contained in a single ASIC.

In contrast to Treyz et al., independent claims 1, 2, 40, 47 and 59 include the claim

elements of a microprocessor configured to select a vehicle-communication protocol of a host vehicle. As disclosed in the present application, a communication protocol of a host vehicle may be detected and selected by logic included in a vehicle-communication circuit 25, which communicates with the host vehicle through an interface 23 with separate modules 25a-25f for different vehicle buses (e.g., Ford, Toyota, Hino, etc.) (see paragraphs 35-36; FIG. 2). Once the protocol is selected, the interface 23 receives data from the host vehicle and passes it through the vehicle-communication circuit 25 to a data processing portion 17 for analysis. As discussed above, Treyz et al. does not disclose the claim elements of a microprocessor configured to select a vehicle-communication protocol of a host vehicle. For at least this reason, claims 1, 2, 40, 47 and 59 are allowable.

Claims 3-15 and 17-35 depend from claim 2. Claims 41-46 depend from claim 40. Claims 48-55 depend from claim 47. Claim 60 depends from claim 59. As noted above, claims 2, 40, 47 and 59 are allowable subject matter. For this reason, and the additional features they recite, claims 3-15, 17-35, 41-46, 48-55 and 60 are also allowable.

Additionally, in contrast to Treyz et al., dependent claim 5 and independent claim 36 include the claim element of a single chipset that comprises a GPS module and a first and second wireless transmitter. Further, dependent claim 30 includes the claim element of a first and second wireless transmitter contained in a single ASIC. As discussed above, Treyz et al. does not disclose these claim elements. For at least this reason, claims 5, 30 and 36 are allowable.

Claims 37-39 depend from claim 36. As noted above, claim 36 is allowable subject matter. For this reason, and the additional features they recite, claims 37-39 are also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 1-15, 17-55, 59 and 60 under 35 U.S.C. § 102(e) is respectfully requested.

## **II. Rejections Under 35 U.S.C. §103(a)**

### **A. Obviousness in View of Unnold and Bouliane**

The Office Action rejects claims 1-55, 59 and 60 under 35 U.S.C. § 103(a) as being unpatentable over Unnold (2004/0196182) in view of Bouliane (CA 2,133,673). Applicants respectfully traverse this rejection for at least the following reasons.

Unnold discloses an intelligent mobile asset management system for tracking and monitoring physical assets worldwide using solar cells, rechargeable battery, two-way satellite communications, a CPU with memory, various sensors and GPS. An apparatus may be permanently mounted on a physical asset, where it reports its position and condition to a base unit (see abstract; FIG. 1). However, Unnold fails to disclose a wireless appliance comprising a microprocessor configured to select a vehicle-communication protocol of a host vehicle. Additionally, Unnold fails to disclose a single chipset that comprises a GPS module and a first and second wireless transmitter. Further, Unnold fails to disclose a first and second wireless transmitter contained in a single ASIC.

Bouliane discloses a system for transmitting an emergency GPS signal from a remote vehicle to a base station, in which a choice of cellular or satellite communication from the vehicle to the base station is available (see abstract; FIG. 1). However, Bouliane fails to cure the defects of Unnold discussed above.

In contrast to Unnold and Bouliane, independent claims 1, 2, 40, 47 and 59 include the claim elements of a microprocessor configured to select a vehicle-communication protocol of a host vehicle. As discussed above, Unnold and Bouliane, alone or in combination, fail to disclose these claim elements. For at least this reason, claims 1, 2, 40, 47 and 59 are allowable.

Claims 3-35 depend from claim 2. Claims 41-46 depend from claim 40. Claims 48-55 depend from claim 47. Claim 60 depends from claim 59. As noted above, claims 2, 40, 47 and 59 are allowable subject matter. For this reason, and the additional features they recite, claims 3-35, 41-46, 48-55 and 60 are also allowable.

Additionally, in contrast to Unnold and Bouliane, dependent claim 5 and independent claim 36 include the claim element of a single chipset that comprises a GPS module and a first and second wireless transmitter. Further, dependent claim 30 includes the claim element of a

first and second wireless transmitter contained in a single ASIC. As discussed above, Unnold and Bouliane, alone or in combination, fail to disclose these claim elements. For at least this reason, claims 5, 30 and 36 are allowable.

Claims 37-39 depend from claim 36. As noted above, claim 36 is allowable subject matter. For this reason, and the additional features they recite, claims 37-39 are also allowable

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 1-55, 59 and 60 are respectfully requested.

**B. Obviousness in View of Weisshaar et al., Chou, Welles, II et al. or Kennedy, III et al.**

The Office Action rejects claims 1-55, 59 and 60 under 35 U.S.C. § 103(a) as being unpatentable over Weisshaar et al. (2003/0130005) in view of Chou (2002/0177476), Welles, II et al. (5,491,486) or Kennedy, III et al. (6,240,295). Applicants respectfully traverse this rejection for at least the following reasons.

Weisshaar et al. discloses a method of selecting a communication interface (e.g., cellular, satellite, etc.) to transmit data in a wireless communication network. Weisshaar et al. discloses polling at least one communication interface among a plurality of communication interfaces to determine whether the polled communication interface is available (see abstract; FIG. 1). However, Weisshaar et al. fails to disclose a wireless appliance comprising a microprocessor configured to select a vehicle-communication protocol of a host vehicle. Additionally, Weisshaar et al. fails to disclose a single chipset that comprises a GPS module and a first and second wireless transmitter. Further, Weisshaar et al. fails to disclose a first and second wireless transmitter contained in a single ASIC.

Chou, Welles, II et al. or Kennedy, III et al. each disclose use of solar cells to charge a battery in a mobile communication device. However, these references, alone or in combination, fail to cure the defects of Weisshaar et al. discussed above.

In contrast to Weisshaar et al., Chou, Welles, II et al. or Kennedy, III et al., independent

claims 1, 2, 40, 47 and 59 include the claim elements of a microprocessor configured to select a vehicle-communication protocol of a host vehicle. As discussed above, Weisshaar et al., Chou, Welles, II et al. or Kennedy, III et al., alone or in combination, fail to disclose these claim elements. For at least this reason, claims 1, 2, 40, 47 and 59 are allowable.

Claims 3-35 depend from claim 2. Claims 41-46 depend from claim 40. Claims 48-55 depend from claim 47. Claim 60 depends from claim 59. As noted above, claims 2, 40, 47 and 59 are allowable subject matter. For this reason, and the additional features they recite, claims 3-35, 41-46, 48-55 and 60 are also allowable.

Additionally, in contrast to Weisshaar et al., Chou, Welles, II et al. or Kennedy, III et al., dependent claim 5 and independent claim 36 include the claim element of a single chipset that comprises a GPS module and a first and second wireless transmitter. Further, dependent claim 30 includes the claim element of a first and second wireless transmitter contained in a single ASIC. As discussed above, Weisshaar et al., Chou, Welles, II et al. or Kennedy, III et al., alone or in combination, fail to disclose these claim elements. For at least this reason, claims 5, 30 and 36 are allowable.

Claims 37-39 depend from claim 36. As noted above, claim 36 is allowable subject matter. For this reason, and the additional features they recite, claims 37-39 are also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 1-55, 59 and 60 under 35 U.S.C. § 103(a) is respectfully requested.

### **C. Obviousness in View of Chou and Nathanson**

The Office Action rejects claims 1-55, 59 and 60 under 35 U.S.C. § 103(a) as being unpatentable over Chou in view of Nathanson (2002/0150050). Applicants respectfully traverse this rejection for at least the following reasons.

Chou discloses a communication system for tracking an asset globally that accesses multiple communication networks and switches among them, choosing the most economic, available communication mode without need for a constant power supply (see abstract; FIG. 1).

However, Chou fails to disclose a wireless appliance comprising a microprocessor configured to select a vehicle-communication protocol of a host vehicle. Additionally, Chou fails to disclose a single chipset that comprises a GPS module and a first and second wireless transmitter. Further, Chou fails to disclose a first and second wireless transmitter contained in a single ASIC.

Nathanson discloses a method of conveying vehicle operation data from a vehicle to a remote monitoring recipient, comprising the steps of establishing a data link between the vehicle and the remote monitoring recipient; collecting vehicle operation data from data sources in the vehicle; packaging the data; and conveying the data over the data link (see abstract). However, Nathanson fails to cure the defects of Chou discussed above.

In contrast to Chou and Nathanson, independent claims 1, 2, 40, 47 and 59 include the claim elements of a microprocessor configured to select a vehicle-communication protocol of a host vehicle. As discussed above, Chou and Nathanson, alone or in combination, fail to disclose these claim elements. For at least this reason, claims 1, 2, 40, 47 and 59 are allowable.

Claims 3-35 depend from claim 2. Claims 41-46 depend from claim 40. Claims 48-55 depend from claim 47. Claim 60 depends from claim 59. As noted above, claims 2, 36, 40, 47 and 59 are allowable subject matter. For this reason, and the additional features they recite, claims 3-35, 41-46, 48-55 and 60 are also allowable.

Additionally, in contrast to Chou and Nathanson, dependent claim 5 and independent claim 36 include the claim element of a single chipset that comprises a GPS module and a first and second wireless transmitter. Further, dependent claim 30 includes the claim element of a first and second wireless transmitter contained in a single ASIC. As discussed above, Chou and Nathanson, alone or in combination, fail to disclose these claim elements. For at least this reason, claims 5, 30 and 36 are allowable.

Claims 37-39 depend from claim 36. As noted above, claim 36 is allowable subject matter. For this reason, and the additional features they recite, claims 37-39 are also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 1-55, 59 and 60 under 35 U.S.C. § 103(a) is respectfully requested.

**D. Obviousness in View of Treyz et al., Kennedy, III et al., Chou or Welles, II et al.**

The Office Action rejects claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Treyz et al. in view of Kennedy, III et al., Chou or Welles, II et al. Applicants respectfully traverse this rejection for at least the following reasons.

Treyz et al. discloses an automobile personal computer system which may allow users to wirelessly interact with merchants, communications facilities, information providers, computers at the home or office, and other entities. Wireless communications may involve satellite transmissions, cellular transmissions, short-range wireless transmissions, etc. An automobile's location and functions may be monitored and controlled (see abstract, FIGS. 1-4). However, Treyz et al. fails to disclose a wireless appliance comprising a microprocessor configured to select a vehicle-communication protocol of a host vehicle.

Kennedy, III et al., Chou or Welles, II et al. each disclose use of solar cells to charge a battery in a mobile communication device. However, these references fail to cure the defects of Treyz et al. discussed above.

In contrast to Treyz et al., Kennedy, III et al., Chou or Welles, II et al., claim 16, which depends from independent claim 2, includes the claim elements of a microprocessor configured to select a vehicle-communication protocol of a host vehicle. As discussed above, Treyz et al., Kennedy, III et al., Chou or Welles, II et al., alone or in combination, fail to disclose these claim elements. For at least this reason, claims 16 is allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claim 16 under 35 U.S.C. § 103(a) are respectfully requested.

**III. Conclusion**

Applicants submit that the present application is in condition for allowance and


respectfully requests favorable action in the form of a Notice of Allowance. Should the Examiner believe that this application is in condition for disposition other than allowance, the Examiner is invited to contact the undersigned at the telephone number listed below in order to address the Examiner's concerns.

Please apply any necessary additional charges or credits to Deposit Account 50-1721.

Respectfully submitted,

Date: \_\_\_\_\_

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